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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,332	12/08/2000	Isao Yamada	09812.0475-00000	4781
22852 7590 12/05/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER LONSBERRY, HUNTER B	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/733,332

**Applicant(s)**

YAMADA ET AL.

**Examiner**

Hunter B. Lonsberry

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12-20 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12-20 and 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-10, 12, 14-15, 19-28 and 30-33 rejected under 35 U.S.C. 103(a) as being unpatentable over are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-EI (WO 99/26415), in view of U.S. 6,177,931 to Alexander.

As to claim 1, note the Bar-E1 reference which discloses a data transmission method. The claimed broadcasting from a transmitter to a viewer apparatus first data containing television content data, command data and complementary data provided for signal processing at a viewer end is met by the video sequence data, the video parameters data, and the personalized data, which are transmitted from the video server 11 to the user computer 12, or if the network is that of cable or satellite television, in a local "set-top" box (STB) (see Figs. 6 and 7 and pg. 17, line 3 - pg. 18, line 5), also the video services may include broadcasting of standard TV programs over the air,

through cable systems or via satellite, which also may be digital TV video services as well as live streams over the Internet (see pgs. 1-2 and page 17, line 15). The claimed receiving said the TV content data, command data and complementary data at said viewer end is met by the user computer 12 or STB receiving all of the data as described above (pg. 17, line 10 -pg. 18, line 5). The claimed "outputting an operation signal based on said operation" is met by a pointing device 16, such as a mouse, a trackball, a touch screen, etc. (see Figs. 1, 6 and 7, and pg. 9, lines 1-18) and user's requested video (see pg. 12, lines 10-12, also see pg. 5:1-7, pg. 7:8-10 and 20-22, and pg. 8:19-24). The claimed "performing a first signal processing on said television content data according to software stored in a data storage medium and said operation signal to output first output content data", is met in-part by the video personalization module 26/62 (as shown in Figs. 2, 4, 6 and 7, and as described in the sections cited above), which further comprises a video personalization scheduler 42, an image adapter 40, personalized data storage 38, and mixer 44, where television content data is processed with the operation signal (see pg. 17, line 3 - pg. 18, line 5, and pg. 13, line 23 - pg. 16, line 21 for a more detailed description of the types of signal processing that occur in a video personalization module and the resulting output content data). For example, mixer 44 can replace the original frame data with the image data or it can blend the two, or it can perform any desired other mixing operation.

The claimed " processing using said first output content data and said television content data based on said command data and complementary data to generate second output content data; and outputting the second output content data" is met by

the video unit 14 and video personalization module 26/62, and more specifically, mixer 44 also transmits the name associated with the implanted image and some indication of its location in the frame... The indication produced by the mixer is an out line of the area within which the implanted image sits or a listing of the pixels which include the implanted image. This information is transmitted together with the personalized frame (see p. 15, line 22 - p. 16, line 21, also see the sections cited above regarding a more detailed description of the types of processing that occur in the video personalization module 26/62 and the resulting output content data generated). The claimed outputting the second output content data is met by monitor 28 (see Figs. 1, 6 and 7).

Bar-El however fails to disclose performing the possessing steps without requiring any transmission to the transmitter.

Alexander discloses a targeted advertising system which overlays video data by packet matching overlay data specified for a specific zipcode, and a user, upon initial startup of the device may input the zipcode, likewise advertisements may be narrowcast customized messages (column 32, lines 7-21, 35-60), all the users viewing habits may be monitored locally and targeted ads may be stored locally, the monitoring enabling targeted ads based off users interests and viewing history to provide the most appropriate ads as well as additional content which matches a users interest (column 29, lines 14-column 30, line 44, column 31, lines 48-61, column 34, lines 10-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bar-El to utilize the zipcode matching, targeted advertising, and content seeking features as taught by Alexander for the advantages of providing

advertisements which are geographically relevant, and match the users ongoing interests and provide the user with other content which is of most interest to a user.

As to claim 4, Bar-E1 further discloses the claimed said viewer end combines said first output content data and said television content data to generate fifth output content data as met by the mixer 44 (pg. 16, lines 8-10) that is located in the video personalization module 62 (pg. 17, lines 5-13), where the personalization module 62 provides output to a user television (pg. 18, lines 3-5 and Figs. 6 & 7).

As to claim 6, Bar-E1 further discloses the claimed said first data contains advertisement data as one or both of said television content data and auxiliary data and said viewer end combines said first output content data and said advertisement data to generate and output seventh output content data as met by the data that is transmitted to the user computer as described above may comprise advertisement data (see pg. 7, lines 4-10).

As to claim 7, Bar-E1 further discloses the claimed said first data contains a plurality of said advertisement data and said viewer end selectively combines one or more of any of said plurality of advertisement data with said seventh output content data as met by the data provided to the mixer (see pg. 11, line 20 - pg. 12, line 15), where the mixer 44 (pg. 16, lines 8-10) is located in the video personalization module 62 (pg. 17, lines 5-13), and the personalization module 62 provides output to a user television

(pg. 18, lines 3-5 and Figs. 6 & 7).

As to claim 8, Bar-EI further discloses the claimed transmitting second data from said viewer end to a transmitting end and generating second television content data for transmission based on said second data at the transmitting end as met by user input being transmitted to the video server 11 from the user computer 12 (see Figs. 6 and 7; pg. 7, lines 8-10 and 17-19; pg. 8, lines 19-24; pg. 9, lines 10-18).

As to claim 9, Bar-E1 further discloses the claimed said first data contains command data for controlling said first signal processing at the viewer end, said first signal processing is controlled at said viewer end based on commands contained in said first data, and said second output content data is generated based on content data of a result of said controlled first signal processing is met by the user's input/viewer profile information that is sent to the video server as previously described above.

As to claim 10, see claim 1.

As to claim 12, Bar-EI further discloses the claimed said each viewer apparatus further includes a transmitting means for transmitting desired data to said transmitter and said transmitter prepares said television content data for broadcast based on said desired data as met by user input being transmitted to the video server 11 from the user computer 12 (see Figs. 6 and 7; pg. 7, lines 8-10 and 17-19; pg. 8, lines 19-24; pg. 9,

lines 10-18).

As to claim 14, Bat-EI further discloses the claimed said first data contains advertisement data as one or both of said television content data and auxiliary data and said second signal processing means of said viewer apparatus combines first output content data and advertisement data to generate and output fourth output content data as met by the data that is transmitted to the user computer as described above may comprise advertisement data (see pg. 7, lines 4-10).

As to claim 15, Bar-E1 further discloses the claimed said first data contains a plurality of advertisement data and said second signal processing means of said viewer apparatus selectively combines one or more of any of the plurality of advertisement data with fourth output content data as met by the data provided to the mixer (see pg. 11, line 20 - pg. 12, line 15), where the mixer 44 (pg. 16, lines 8-10) is located in the video personalization module 62 (pg. 17, lines 5- 13), and the personalization module 62 provides output to a user television (pg. 18, lines 3-5 and Figs. 6 & 7).

Regarding claims 19-20, 22, see claim 1.

As to claim 23, Bat-EI further discloses the claimed data transmitter...further comprising a receiving means for receiving second data transmitted from said plurality



of viewer apparatuses as met by user identifier 20 in video server 10 as shown in Fig. 2.

The claimed computer means for collecting said second data transmitted from said plurality of viewer apparatuses and performing a desired computation to generate a result, wherein said data generating means generates said first data based on said second data or said result of said desired computation is met by the user identifier 20 and user database 21 working in conjunction with object storage 22, video controller 24 and video analyzer 25 as shown in Fig. 2 (see pg. 10, line 3 - pg. 12, line 23).

As to claim 24, Bar-EI further discloses the claimed data transmitter...wherein said data generating means generates said first data containing program data containing video data and information for replacing a predetermined object in said video data with another object as met by the video controller 24 and object storage 22 as shown in Fig. 2 (pg. 11, line 6 - pg. 12, line 15).

As to claim 25, Bar-E1 further discloses the claimed data transmitter...wherein said data generating means has one or more advertisement data of a form for viewing combined with any video data as one or both of said television content data and auxiliary data as met by the objects as previously described above may comprise an advertisement or multiple advertisements (pg. 7, lines 2-10 and pg. 8, lines 11-14).

Regarding claim 26, see claim 1.

As to claim 27, Bar-E1 further discloses the claimed signal processor...wherein one or both of said first signal processing means and said second signal processing means controls processing based on command data contained in said auxiliary data of said first data as met by the user computers 12/STBs, as shown in Figs. 6 and 7, where the video server 11 transmits video sequence data, video parameters data, and personalized data to the user computer 12/STB (see pg. 17, line 3 - pg. 18, line 5) through the video controller 24 and object storage 22 (see Fig. 2 as related to Figs. 6 and 7).

As to claim 28, Bar-E1 further discloses the claimed said second signal processing means combines video data of said first output content data with a predetermined region of video data of said television content data to generate third output content data containing new video data as met by the mixer 44 (see Fig. 4 and pg. 14, line 8 - pg. 16, line 21).

As to claim 30, Bar-E1 further discloses the claimed said second signal processing means combines video data of said television content data with a predetermined region of video data of said first output content data to generate fifth output content data as met by the mixer 44 (see Fig. 4 and pg. 14, line 8 - pg. 16, line 21).

As to claim 31, Bat-EI further discloses the claimed said second signal processing means combines said fifth output content data and advertisement data contained in said first data to generate sixth output content data as met by the mixer as described above and the data that is transmitted to the user computer/STB as described above may comprise advertisement data (see pg. 7, lines 4-10).

As to claim 32, Bar-E1 further discloses the claimed said second signal processing means combines selectively one or more of any of a plurality of advertisement data contained in said first data with said sixth content data as met objects processed by the mixer as described above. which may comprise an advertisement or multiple advertisements (pg. 7, lines 2-10, pg. 8, lines 11-14 and pg. 11, line 6-pg. 12, line 15).

As to claim 33, Bar-E1 further discloses the claimed transmitting means for transmitting desired data to a source of transmission of said first data as met by the video unit 14 (Figs. 6 and 7), which may transmit data back to the video sever 11, for example, user input may be transmitted to the video server 11 from the user computer 12/STB (see pg. 7, lines 8-10 and 17- 19; pg. 8, lines 19-24; pg. 9, lines 10-18).

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bar-EI (WO 99/26415), in view of U.S. 6,177,931 to Alexander, in view of Carr (US 2003/0133043), previously cited by the Examiner.

As to claim 16, see the discussion of claim 1.

Bar-EI /Alexander does not explicitly disclose performing desired signal processing on said television content data according to software stored in a removable recording medium.

However, the Carr reference (US 2003/0133043), specifically teaches that receivers 16, which may include set-top boxes, personal computers, or other types of systems (¶ [0014]), may use software stored in a removable recording medium as stated below:

Various software or firmware (formed of modules, routines, or other layers, for example) may be stored or otherwise tangibly embodied in one or more machine-readable storage media in the information delivery system. Storage media suitable for tangibly embodying software and firmware instructions may include different forms of memory including~ semiconductor memory devices such as dynamic or static random access memories, erasable and programmable read-only memories (EPROMs), electrically erasable and programmable read- only memories (EEPROMs), and flash memories; magnetic disks such as fixed, floppy and removable disks; other magnetic media including tape; and optical media such as CD or DVD disks. The instructions stored in the one or more storage media when executed cause the information delivery system to perform programmed acts (see ¶ [0052]).

Therefore, it would have been obvious to have combined the Bar-E1 and Alexander reference with the Carr references which teaches that television set-top boxes (STBs) and/or computer systems which have television broadcast reception capabilities may have software stored in a removable recording medium, such as a disk (including a CD-ROM or DVD), a memory card or other removable recoding medium for the advantage of providing increased flexibility and expandability, including the capability of making software changes or providing new or additional software upgrades. One of ordinary skill in the art would have been led to have performed a first signal processing on the television content data according to software stored in a removable recording medium for the advantages given above.

As to claim 17, Bar-E1 further discloses the claimed said television content data contained in said first data is data relating to an advertisement and said signal combining means of said viewer apparatus combines video data relating to said advertisement with a predetermined region of video data of said processed television content data to generate said output content data containing new video data as met by the data that is transmitted to the user computer/STB, as described above, may comprise advertisement data (see pg. 7, lines 4-10).

As to claim 18, Bat-E1 further discloses the claimed said first data contains a plurality of advertisement data and said signal combining means of said each viewer apparatus selectively combines one or more of any of said plurality of advertisement

data with said output content data as met by the data provided to the mixer (see pg. 11, line 20 - pg. 12, line 15), where the mixer 4z[ (pg. 16, lines 8-10) is located in the video personalization module 62 (pg. 17, lines 5-13), and the personalization module 62 provides output to a user television (pg. 18, lines 3-5 and Figs. 6 & 7).

Claims 5, 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-EI, in view of Alexander (5,177,931), in further view of Sitrick (USPN 6,425,825), all cited by the Examiner.

As to claim 5, the Bar-EI reference discloses the claimed data transmission method as described in claim 4 above. However, the Bar-E1 reference does not explicitly disclose that the first output content data at the viewer end contains data of any game character and said viewer end replaces video data of a predetermined object contained in said first data with data of the game character of said first output content data to generated sixth output content data.

The Sitrick reference teaches a system and methodology where replacement predefined character images and existing game display functions, including user visual images such as, a "newscaster", a "cameo guest", or a "synthetic actor" with predetermined actions, may be utilized in association with predefined game character and game display functions (col. 13, lines 35-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of the combination of Bar-E1 and

Alexander, which teaches a data transmission method for replacing objects such as advertisement images in the output received by a user, with the additional teachings of the Sitrick reference which teaches the features of replacing a predefined object with a game character for the advantage of allowing a user to interactively select various types of game characters for use in their game system.

One of ordinary skill in the art would have been led to make such a modification for the advantages given above specifically for use with an interactive television/computer game system.

As to claim 13, the claim is rejected based on similar grounds as the rejection of claim 5 above.

As to claim 29, the claim is rejected based on similar grounds as the rejection of claim 5 above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

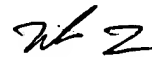
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Hunter B. Lonsberry  
Primary Examiner  
Art Unit 2623

HBL